

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JUDITH A. ROGIND,

Plaintiff,

Case No. 21-cv-12514
Hon. Matthew F. Leitman

v.

NEW REZ, LLC,

Defendant.

/

**ORDER GRANTING PLAINTIFF LEAVE
TO FILE A FIRST AMENDED COMPLAINT**

On October 26, 2021, Plaintiff Judith A. Rogind filed this action against Defendant NewRez LLC d/b/a Shellpoint Mortgage Servicing. (See Compl., ECF No. 1.) Rogind alleges, among other things, that NewRez breached the parties' mortgage agreement, unjustly enriched itself, and violated the federal Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (See *id.*)

On December 27, 2021, NewRez filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (See Mot. to Dismiss, ECF No. 8.) One of NewRez's bases for dismissal is that Rogind has failed to plead sufficient facts to state viable claims under the Supreme Court's decisions in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). (See *id.*, PageID.76-77.)

Without expressing any view regarding the merits of the motion to dismiss, the Court will grant Rogind the opportunity to file a First Amended Complaint in order to remedy the alleged deficiencies in her claims identified by NewRez in the motion to dismiss. The Court does not anticipate allowing Rogind another opportunity to amend to add factual allegations that she could now include in her First Amended Complaint. Simply put, this is Rogind's opportunity to allege any and all additional facts, currently known to her, that may cure the alleged deficiencies in her claims.

By January 18, 2022, Rogind shall notify the Court and NewRez in writing whether she will amend the Complaint. If Rogind provides notice that she will be filing a First Amended Complaint, she shall file that amended pleading by no later than January 31, 2022. Upon the filing of a First Amended Complaint, the Court will terminate without prejudice NewRez's currently-pending motion to dismiss as moot.

If Rogind provides notice that she will not be filing a First Amended Complaint, she shall file a response to the currently-pending motion to dismiss by no later than January 24, 2022.

IT IS SO ORDERED.

Dated: January 3, 2022

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 3, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(810) 341-9764